

**Minutes**  
**Nevada State Emergency Response Commission**  
**Legislative Committee Meeting**  
Professional Engineers and Land Surveyor's State Board Room  
1755 E. Plumb Avenue, Room 130  
Reno, NV

February 15, 2007

**Members Present**

Jim Reagan, Chair  
Carl Byrd - Teleconferenced  
Susan Crowley - Teleconferenced  
Stacey Giomi

**Members Absent**

Dennis Nolan

**Staff**

Karen Kennard  
Suzanne Adam  
Samantha Ladich

**Guests**

Richard Brenner  
David Fogerson  
Tim McAndrew  
Peter Mulvihill  
Craig Nixon  
Dennis Pinkerton  
Jim Wright

**I. Call to Order**

Jim Reagan called the meeting to order at 1:35 p.m.

**II. Introductions**

Members, staff, and guests introduced themselves as shown above.

**III. \*Approval of the October 10, 2006 meeting minutes**

Stacey Giomi made a motion to approve the minutes of the October 10, 2006 meeting. Susan Crowley seconded the motion which was approved unanimously.

**IV. New Business**

**A. \*Discussion/Action regarding possible revision of Senate Bill (SB) 50 (formerly Bill Draft Request (BDR) 40-156) submitted by the SERC**

Mr. Reagan advised the Committee is going to look at other possibilities there may be in working through the issue of hazmat permit surcharge funds going through the State Fire Marshal's Office (SFM) to the Contingency Account for Hazardous Materials (SERC account), with no SERC control of those funds.

Mr. Reagan stated there are several options such as modifying SB50 or withdrawing the bill altogether and enter into an agreement with SFM.

Mr. Reagan advised the SERC wants to ensure the Local Emergency Planning Committee (LEPCs), fire departments and volunteer fire departments have the capability of accessing quality hazardous materials training. Mr. Reagan added, in the past, training was not always facilitated through the SFM to the level expected. There is no legislative requirement for the SERC itself to ensure training; however, the SFM does have the legislative requirement.

Mr. Wright stated he felt confident the SFM met the expectations over the last couple of months and will continue to do so for hazardous materials training. He also stated he was aware of the importance of providing justification for expenditure of funds. Mr. Wright advised the SFM made progress as witnessed with the Liquid Petroleum Gas (LPG) simulator. The SFM trainers are accounting for their time when dealing with hazardous materials training. Mr. Wright and Mr. Pinkerton, SFM training coordinator, have discussed new visions for the SFM with regards to hazardous materials training.

Mr. Wright found a majority of the local fire departments were doing their own hazmat training because of the frustrations of non-delivery from the SFM. He stated the local jurisdictions need to go to the SFM when they need a hazmat-related class and the SFM will support them.

Mr. Wright was also concerned with legislation going forward that has controversy.

Mr. Wright advised, with regards to certification, the SFM is moving forward in attaining accreditation. Certification of hazmat training is very important to the fire service. Mr. Wright advised he was concerned if the training was shifted to the SERC and a training coordinator, the SERC has no credentialing accreditation abilities to put the training out there.

Mr. Wright stated the fire service would not likely approve of two levels of the bureaucracy to achieve a certificate. He also stated the SFM already has the certification process in place and can accommodate that. Hazmat training is built into the SFM standards.

A discussion ensued. Mr. Giomi asked for clarification of Mr. Wright's concerns with the bill. He stated certification for hazmat is being done at the local level. Mr. Wright stated he is concerned with taking the responsibility from the SFM, transferring it to the SERC and creating a duplication of service. Mr. Wright advised the SFM still has a responsibility to provide hazardous materials training based on the fire-fighter training standards.

Mr. Reagan asked what financial impact the bill would have on the SFM. Mr. Wright advised SFM has positions that would potentially be in jeopardy if the training goes away. The staff at SFM Training Division have dedicated over 30% of their time to hazmat training.

Susan Crowley questioned what this meeting was for since the SERC already voted to proceed with this bill. Mr. Reagan advised this Legislative Committee is meeting today to take the opportunity to look at other options and determine if changes are needed. Karen Kennard advised the SERC voted to put this bill through prior to Mr. Wright being appointed as the Fire Marshal.

Mr. Wright stated the SFM is looking to the future in utilizing the contingency fund. The SFM has drawn down overhead to offset training officers' salaries, as well as the funding of contract instructors. The SFM is currently pursuing a hazmat course for planners and engineers and looking into incident commander classes for hazmat.

Pete Mulvihill, with Incline Fire Department and the Board of Fire Services, encouraged the SERC and the SFM to work together on an administrative level. This fund and training program were established on recommendations of the Governor's Committee several years ago. Mr. Mulvihill also expressed a concern about the changes the bill would go through as it proceeds through the Legislature. One concern is that discussions of existing funding processes may be redirected or eliminated as part of the legislative process. Few bills are accepted as written and introduced into committee.

Mr. Giomi advised, in the past, the LEPCs could not get the training they needed, and when asked where the money was spent, the State Fire Marshal's Office would respond with the number of training classes held and what type of classes. Mr. Giomi stated industries are paying fees and cannot get a response as to where the monies are being spent. Mr. Wright advised the SFM can now account for both the amount spent and where the money was spent.

Dennis Pinkerton stated the SFM's policy and procedures will add a lot of teeth to what it is doing. The SFM will be able to give the information to the local agencies, and the agencies will see what training the SFM can provide.

Craig Nixon, Mineral LEPC Chair, stated the LEPC was frustrated with the State Fire Marshal's Office. He believes Mr. Wright is sincere in fixing the problems with SFM.

Mr. Brenner stated he believes the Committee should recommend the SERC withdraw the bill and enter into a formal agreement with the SFM to document requirements.

Tim McAndrew agreed with Mr. Brenner that it would be better if the SERC and the SFM could reach an administrative remedy without going to the Legislature. The SERC needs to memorialize in a Memorandum of Understanding (MOU) how the SERC got to this point, there was a bill, and the intent of the parties. If the agreement is not kept, the SERC will move forward and try to solve it legislatively during the next session.

Mr. Giomi advised entering into an agreement is largely symbolic and made in an effort to extend the working relationship to the new SFM with the SERC. Mr. Giomi stated this would be better than going to the Legislature to solve the problem.

Mr. Giomi made a motion to recommend the SERC withdraw SB50 and enter into an agreement to be worked out with SERC and SFM staff to be presented at a SERC meeting. The agreement will memorialize the historical aspects and clearly define expectations including a financial report presented twice a year. If the agreement is not complied with, the SERC will reintroduce this BDR for the 2009 Session. Ms. Crowley seconded the motion. A discussion ensued.

Mr. McAndrew suggested keeping SB50 in the process pending approval of the agreement with withdrawal at the latest time frame possible. The Committee agreed there would be no need to keep SB50 in the process.

Mr. Reagan stated the SERC Planning and Training Subcommittee should be involved in the development of the agreement. Mr. Wright stated he supports starting a preliminary discussion and would like to have the fire service input into this discussion.

Mr. Wright stated with the SERC intent to withdraw SB50, he would withdraw the pending SFM budget BDR requesting the funds to perform all hazards training.

Ms. Kennard questioned the recommended reports twice a year in the motion stating it does not matter to SERC staff how many times a year, but Mr. Wright will likely need cash flow.

Mr. Giomi amended his motion to say SERC staff can determine how often reports are done. Ms. Crowley seconded the motion which was approved unanimously.

Mr. Reagan advised this motion will be presented to the SERC as a recommendation for action at the next called SERC meeting.

Ms. Kennard advised she is in contact with Senator Nolan and his staff. Senator Nolan is the Chair of the Committee SB50 is in. Senator Nolan's staff are waiting to hear from Ms. Kennard after this meeting and have been agreeable to working with the SERC in holding the bill out of hearing until the SERC meeting.

**B. \*Discussion/possible action regarding BDRs or Bills of interest to the SERC**

Ms. Crowley stated a bill that might be of interest is AB91, which is about explosives. This bill has grown to include almost every hazardous material.

Mr. Reagan advised this bill needed to be distributed to the SERC for review. Ms. Kennard stated she and Mr. Brenner reviewed the bill and saw nothing that would affect the SERC. A discussion ensued about this bill. No action was taken.

**V. Public Comments**

There was no public comment.

**VI. \*Adjournment**

Ms. Crowley made a motion to adjourn the meeting at 3:00 p.m.